# THE MYSORE AGRICULTURAL DEBTORS' (TEMPORARY PROTECTION) BILL, 1973

(L. A. Bill No. 27 of 73)

WHEREAS the High Court of Mysore in Writ Petition 1743 of 1969 and certain other writ petitions has struck down the Mysore Agricultural Debtors' Relief Act, 1966 (Mysore Act 29 of 1966) (hereinafter referred to as the said Act) as unconstitutional;

AND WHEREAS the appeal preferred by the State Government against the said Judgment of the High Court is pending in the Supreme Court;

AND WHEREAS the High Court of Mysore in Civil Revision Petition 1618 of 1971 has held that the Acts repealed by the said Act did not survive when the said Act was struck down by the High Court:

AND WHEREAS as a consequence the agricultural debtors are now without the relief provided by the said Act or the Acts repealed by the said Act;

AND WHEREAS pending decision of the Supreme Court on the appeal preferred by the State Government it is considered expedient to provide temporary protection to agricultural debtors from dispossession of their land,

NOW, THEREFORE, Be it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows:—

1. SHORT TITLE AND COMMENCEMENT—(1) This Act may be called the Mysore Agricultural Debtors' (Temporary Protection) Act, 1973.

(2) It shall come into force at once.

2. DEFINITIONS—In this Act, unless the context otherwise requires,—

(1) "debt" means any liability in cash or kind, whether secured or unsecured, due from a debtor, whether payable under a decree or order of any civil court or otherwise, and includes mortgage money, the payment of which is secured by the usufructuary mortgage of immovable property, but does not include arrears of wages, payable in respect of agricultural or manual labour, or any liability for the recovery of which remedy is barred by limitation;

(2) "agricultural debtor" means—

(a) an individual—

(i) who is indebted,

(ii) who holds land used for agricultural purposes or has held such land at any time not more than forty-three years prior to the commencement of this Act which land has been transferred whether under an instrument or not and which transfer is in the nature of a mortgage although not purporting to be so;

(iii) who has been cultivating land personally for the cultivating seasons in the two years immediately preceding the date of commencement of this Act; and

(iv) whose annual income from sources other than agriculturre and manual labour does not exceed one-third of his total annul income, or Rs. 1.000 whichever is greater, and whose aggregate annual income from all sources does not exceed Rs. 5,000;

(b) an undivided Hindu family—

(i) which is indebted;

(ii) which holds land used for agricultural purposes, or has held such land at any time not more than forty-three years prior to the commencement of this Act which land has been transferred, whether under any instrument or not, and which transfer is in the nature of a mortgage, although not purporting to be so;

(iii) which has been cultivating land personally for cultivating seasons in the two years' immediately preceding the date of commencement of this Act; and

(iv) whose annual income from sources other than agriculture and manual labour does not exceed one-third of is total annual income, or Rs. 2,000 whichever is greater and the aggregate of such annual incomes from all sources of the members of which does not exceed Rs. 10,000.

**Explanation 1**—For the purpose of this clause,—

(i) "agriculture" includes horticulture, the raising of crops or garden produce, dairy farming, poultry farming, pig-breeding, stock-breeding and grazing; but does not include leasing of land or cutting only of wood;

(ii) "holder" means a holder as defind in the Mysore Land Revenue Act, 1964, and includes a protected tenant as defined in the Mysore Land Reforms Act, 1961, but does not include a holder of any land held on behalf of a religious or charitable institution; and the expression "to hold land" shall be construed accordingly;

(iii) the expression "to cultivate personally" shall have the meaning assigned to it in the Mysore Land Reforms Act, 1961.

**Explanation 2**—In the case of—

(a) any person who dies leaving as his heir, a widow or a minor ora person who is subject to physical or mental disability; or

(b) an undivided Hindu family, in which there are no adult coparceners capable of cultivating the land personally,

the income derived by such heir or family by the lease of land for an agricultural purpose shall, notwithstanding anything contained in Explanation 1, be deemed to be income from agriculture.

3. STAY OF PROCEEDINGS IN THE CASE OF CERTAIN DECREES OR ORDERS.—Notwithstanding anything contained in any law or judgment or order of any court or competent authority, all proceedings in execution of any decree or order of any court or competent authority for the sale of any land held by an agricultural debtor for realisation of any debt due by him shall, for a period of two years from the commencement of this Act, be stayed.

4. EXCLUSION OF TIME FOR LIMITATION.—In computing the period limitation prescribed for an application for the execution of a decree or order, the period during which the proceedings are stayed by this Act shall be excluded.

EXPLANATION—A decree of order shall be deemed to be a decree or order for the purposes of this Act, notwithstanding that any other relief is granted by such decree or order.

## STATEMENT OF OBJECTS AND REASONS

The Mysore Agricultural Debtors Relief Act 1966 was struck down by the Mysore High Court as unconstitutional. The State Government has preferred an appeal to the Supreme Court and it is pending. In another case the High Court has held that the Acts, repealed by the 1966 Act are not revived. Consequently at present there is no law for giving relief to agriculturists. It is necessary to give protection to such agriculturists pending dispoal of the appeal before the Supreme Court by providing for stay of execution proceedings resulting in sale of their agricultural lands for a period of two years.

Hence the Bill.

A. SHANKER ALVA
Te. HANUMANTHAPPA,
*Secretary.*

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## Annexure 6

## THE MYSORE VILLAGE PANCHAYATS AND LOCAL BOARDS (AMENDMENT) BILL, 1973

(L.A. BILL No. 29 OF 73)

A Bill further to amend the Mysore Village Panchayats and Local Boards Act, 1959.